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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/510,213

08/16/2005

Masayoshi Ishikawa

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55694

7590

04/19/2006

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EXAMINER

CORBETT, JOHN M

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/510,213

Applicant(s)

ISHIKAWA ET AL.

Examiner

John M. Corbett

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 7 is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 16 August 2005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haendle (4,722,097) in view of Aufrichtig et al. (6,359,961).

With respect to claims 1 and 3-5, Haendle teaches an apparatus and method comprising a storage means (9) which stores, beforehand, an initial image (first image) of a subject (3) to be imaged engraved with a given pattern (in 9), said initial image having been imaged by an X-ray inspection apparatus having said X-ray tube (2) with a focal diameter of an electron beam at a target of said X-ray tube adjusted so as to be a predetermined value (Col. 1 line 54) and an imaging device (4); acquisition means (10) which acquires a test image (second image) of said subject to be imaged that is imaged at a time said X-ray inspection apparatus adjusts the focal diameter (Col. 1 line 57); and presentation means (13) which presents said initial image stored in said storage means (Fig. 2 (a)) and said test image (Fig. 2 (b)) acquired by said acquisition means in a comparable manner (Fig. 2 (c)). Haendle fails to teach a telecommunications line.

Aufrichtig et al. teaches a telecommunications line. (Col. 7 line 7-9 and Col. 8 lines 18-25)

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the apparatus and method of Haendle to include the telecommunications line of Aufrichtig et al. since a person would have been motivated to provide easier access to skilled operators (Col. 2 line 2-6) as taught by Aufrichtig et al.

With respect to claim 2, Haendle further teaches operation means that manipulates a focus lens, which adjusts a beam diameter of the electron beam in said X-ray tube. (17 and 18)

Allowable Subject Matter

2. Claims 6-7 are allowed. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claim 6, the prior art fails to teach or fairly suggest an imaging step at which said X-ray inspection apparatus images a test image of said subject to be imaged at a time parts of said X-ray tube are replaced and a presentation step at which the initial image associated with the identification information of said X-ray tube is acquired from said storage means and presented in such a manner as to be comparable with said test image, in combination with the all the claim limitations. Claim 7 is allowed by virtue of its dependency.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Corbett whose telephone number is (571) 272-8284. The examiner can normally be reached on M-F 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

4/17/2006 JMC



EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER